

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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| <p>JAMES S. GOYDOS and MARIA E. MARTINS,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>RUTGERS, THE STATE UNIVERSITY, et al.,</p> <p style="text-align: center;">Defendants.</p> | <p>Civ. A. No. 3:19-cv-8966</p> <p>ORDER</p> |
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This matter comes before the Court upon Defendants Rutgers, the State of University, Rutgers Cancer Institute of New Jersey, Dr. Steve K. Libutti, Dr. Brian L. Strom, Timothy J. Fournier and Eugene Simon's (collectively, "Defendants") Motion to Dismiss Plaintiffs James S. Goydos and Maria E. Martins' (together, "Plaintiffs") Third Amended Complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) with prejudice. (ECF No. 87.) For the reasons set forth in the accompanying Opinion, and for good cause shown,

IT IS on this **28th** day of February, 2023, **ORDERED** that:

- 1) Defendants' Motion to Dismiss is **GRANTED** regarding Counts One, Four, Five, Seven, and Nine.
- 2) Counts One, Four, Five, Seven, and Nine are dismissed with prejudice.
- 3) Defendants' Motion is **DENIED** regarding Counts Two, Three, Eight, and Ten.
- 4) Individual Defendants Dr. Steve K. Libutti, Timothy J. Fournier and Eugene Simon are dismissed from Count Two in their individual capacities, with prejudice.

Date: February 28, 2023

/s/ Georgette Castner

GEORGETTE CASTNER, U.S.D.J.